

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL and DEBRA MANNINO, Individually
and as Personal Representatives of the ESTATE OF
INFANT MANNINO,

Plaintiffs,

vs.

Civ. No. 00-688 BB/WWD

RUTHVEN SAMPATH, M.D.,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon a “Joint Motion and Supporting Brief for Second Amended Provisional Discovery Plan” [docket no. 116]. A similar motion was granted in an Order I entered January 17, 2001 [docket no. 54]. In that Order I did not point out that the Provisional Discovery Plan was just that; i.e., “provisional”. The controlling deadlines in this cause are the deadlines set by the Court in the Initial Pretrial Report and in subsequent orders which modified those dates, including the aforementioned January 17th Order. My efforts to accommodate counsel by referring to dates set out in the Provisional Discovery Plan were based on the assumption, now shown to be invalid, that counsel had some idea as to how pretrial matters in this cause would proceed. The lack of cooperation between counsel has materially slowed the pretrial process. Notwithstanding the foregoing, the scheduling for pretrial events in this cause will be modified one more time. The pretrial deadlines in this cause shall be as set out below, to wit:

1. Plaintiffs' initial disclosures under Fed. R. Civ. P. 26(a)(1) and 26(a)(2) shall be served on Defendant on or before April 2, 2001.

2. Supplements to Plaintiffs' answers to interrogatories and supplements to requests for production shall be served on Defendant on or before April 2, 2001.

3. Defendant's experts shall be disclosed and their reports served on Plaintiffs on or before May 1, 2001.

4. Discovery shall be completed by June 15, 2001.

5. Filing of discovery motions (including motions, responses, and replies) shall be completed by July 23, 2001.

6. Filing of other pretrial motions (including motions, responses, and replies) shall be completed by August 30, 2001.

7. Pretrial order from Plaintiff to Defendant by September 4, 2001.

8. Pretrial order from Defendant to Court for filing by September 14, 2001.

The Pretrial conference and the trial of this cause will be at times to be set by the trial judge, the Honorable Bruce D. Black, District Judge.

Pretrial practice shall be in accordance with the foregoing.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE